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LAW FIRMS AND CLIENTS AS GROUPS: LOYALTY, RATIONALITY, AND REPRESENTATION

Edwin H. Greenebaum*

I. INTRODUCTION

Although professionals and clients frequently meet "one on one" to work together, the groups of which they are members always affect their working relationships. Sometimes the professional and the client *are* groups, and the individuals meeting to transact clinical business only representatives, for example a law firm with a corporate client. In all clinical work,¹ professionals must cope with their relations to their professions and firms as well as with their clients; they may easily feel pulled by conflicting loyalties. One cannot control the meaning which one's behavior has to others in group situations, and working in groups is frequently confusing and frustrating.

Consider the relatively simple case of parents consulting a professional regarding injuries to their infant daughter which occurred when mother and daughter were spending the night in a hotel.² The hotel

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1. I define "clinic" broadly as a situation in which an individual or group engages the services of a professional(s) with specialized knowledge and skill in an organizational context in which professional and client come together in a helping relationship. This definition includes professional education in which students seek assistance in their professional development and qualification, and much of the illustrative material in this article is drawn from legal education because that is the clinic I know best. In this text "professionals" are ones who are qualified to engage in clinical work and who, where applicable, are licensed by professional organizations and subject to their discipline. Other articles in which I have discussed structural issues common to all clinics include: *The Professional School as a Focus for Clinical Education*, 8 J. LEGAL PROF. 101 (1983) [hereinafter Greenebaum (1983)]; *A Clinical Experience*, 9 J. LEGAL PROF. 101 (1984) [hereinafter Greenebaum (1984)]; "Understanding . . .": *Processing Information and Values in Clinical Work*, 11 J. LEGAL PROF. 103 (1986) [hereinafter Greenebaum (1986)]; *How Professionals (Including Legal Educators) "Treat" Their Clients*, 37 J. LEGAL EDUC. 554 (1987) [hereinafter Greenebaum (1987)]; *Personal Agenda in Clinical Work (in preparation)* [hereinafter Greenebaum (in preparation)]. These materials are part of a book manuscript in preparation, UNDERSTANDING CLINICAL EXPERIENCE.

2. This "case" was originally adapted from a Kentucky opinion, *Seelbach v. Cadick*, 405 S.W.2d 745 (Ky. 1966), for use at Harvard Law School in a trial advocacy

failed to provide a crib for the infant, and during the night the baby girl fell from a bed on to a hot radiator pipe, severely burning her forehead. Medication to control pain in a child so small must be limited, and she will require plastic surgery if the scar is to be fully removed. Mother has been emotionally distraught and has had to quit her job. Father, who is a freelance writer for politically radical publications, has limited income and no medical insurance.

Depending on dynamics in the family, mother, father, or both may have come for professional help, and there is a question, in any case, regarding who is the client. Each family member has distinct and possibly conflicting interests: mother is suffering emotional distress from the event and from the turmoil of its aftermath; the baby needs the best available medical care, a secure family environment, and security for the contingencies which may arise in her future development; and father has immediate, pressing problems in paying his bills. Relations between the parents are unsettled as father blames his wife for allowing his daughter to be disfigured, and mother, while feeling distress regarding her role in the event, feels her husband has not been supportive of her. These clients may seek the services of lawyers, medical doctors, psychotherapists, clergy, or other professionals, depending on the family's perception of their needs and their feelings regarding acceptable sources of help. They may be distrustful of any professional. As it happens, the parents went to a lawyer, and the "case" will strike attorneys as an obvious possibility for a claim for personal injuries, but it may be a divorce case as well.

As relationships develop, each spouse may try to gain the lawyer's support in the family dynamics and want help with their problems in their multiple dimensions. A lawyer, in choosing how to serve these clients, is limited by an understanding of, and feelings about, his or her competencies and about the authority he or she exercises on behalf of the law firm which shares responsibility for the lawyer's professional conduct. The clinical experience in which these individuals will engage will be affected by their multiple group memberships, by shared emotional experiences, by role phenomena, and by issues of intergroup relations, including problems of group representation. It is these issues of

course. It was brought by my colleague Edward F. Sherman to Indiana University, Bloomington, where we adopted it for use in a settlement negotiation exercise in our Civil Procedure course. I subsequently further developed the situation, with my colleague Phyllida Parsloe, for an interview exercise in our course, Roles and Relations in Legal Practice. See Greenebaum (1983), *supra* note 1, at 113-15. I have no doubt this useful teaching problem is serving students elsewhere as well.

group dynamics which I will examine in this Article.

II. INFLUENCES OF GROUP MEMBERSHIPS

As professionals and their clients join together to accomplish the goals of their clinical work, each is a member of diverse groups which require loyalty and shared values for membership. The professional's and client's personal agenda are determined not only by what they want to be and do, but also by what their groups expect of them. He or she, gender already being a group membership, is affected in diverse, sometimes conflicting ways, by being a Christian, a family member, a Republican, a chamber of commerce officer, and so forth. The group profile is different for each participant in a clinic and changes for each individual over time. Relations to groups will be complex and ambivalent, involving relations to individual group members and to subgroups as well as to the group as a whole. For example, in confronting their crisis, the family members who are consulting a lawyer regarding injuries to their daughter will be influenced by their attachments to each other and to other groups. The mother is loyal to values regarding family roles acquired from her family of origin, and how the father engages with a lawyer and with the legal system may affect his status in the anti-establishment political group which is important to him.

Relevant groups may be in an individual's past, present, or future. Some groups will be ones of which professional and client have had considerable immediate experience and of which they have clear and coherent images in their minds. Of other significant groups, they may have had little experience, and of these they may hold only amorphous images. Images of groups, whether sharp or fuzzy, will accord only more or less with reality, but the influence of an image does not depend on its being a "true" one. And a group's influence may be repelling as well as attractive.

Group influences are greatest when the group is present, but other situations may reinforce or attenuate attachments to different groups. For example, feelings of insecurity in a new group may cause an individual to hold on strongly to an old one. If, in such a state of insecurity, joining the new group is important, as it is for professional students, and if at the same time the new group requires sentiments in conflict with the older group, there will be acute ambivalences.

All theorists of group behavior have perceived that groups have two aspects: they have practical functions and serve members' emotional needs. A clinic's system designed, more or less rationally, to accomplish work exists alongside and interacts with a system of social

groups to which professionals and staff feel loyalty and which they feel are essential to their social survival. Accounting for the relationship between work groups and, what we can refer to as, "sentient" groups is a significant challenge for clinic management.³ Where the memberships of work and sentient groups coincide, the group is cohesive, but may resist the changes needed to work productively in a changing environment because of the threat of those changes to sentient solidarity. When sentient group memberships cut across work group boundaries, political issues within the work unit become more difficult to resolve.

One frequent dynamic in groups coping with the tensions between work and emotional needs for group solidarity is to treat group members as homogenous, fungible resources and to deny that different aspects of the group's work require diverse competencies and technologies. Our family-clients, with their financial problems, with their infant daughter in pain and in need of medical care, and with shaky relationships among them, bring a matter with multiple aspects to a law firm, but they are likely to be met, I fear, with all-purpose lawyering. The aspects of their problems not ameliorated by the prevailing method will be ignored, mistreated, or shipped out to other professions where they are likely to be treated in uncoordinated, and perhaps inconsistent, ways. Similarly, legal education is dominated by all-purpose courses taught by all-purpose faculty. All the goals of legal education are supposed to be pursued pervasively in all courses, using a single "Socratic" methodology and measuring productivity by an all-purpose examination.⁴ The myth of homogeneity avoids exposing differences which might undermine group cohesion. And the more those who appear different in background, interests, and competencies are in fact excluded, the more the myth becomes a self-justifying reality.

Thus, professionals and clients make choices regarding their work in a complex field of attachments and influences. Learning the concepts of a professional discipline requires reeducation. That is, one does not

3. Miller and Rice distinguished "work groups" which pursue the purposes for which the members joined together and "sentient groups" to which members feel they owe loyalty and on which they rely for emotional support. E. MILLER, *SYSTEMS OF ORGANIZATION: THE CONTROL OF TASK AND SENTIENT BOUNDARIES* (1967), excerpted in *GROUP RELATIONS READER 1* (A. Coleman & W. Bexton eds. 1975) [hereinafter GRR]. Where cited works are reprinted or excerpted in GRR, page number references will be to their location in GRR.

4. Frankly, it seems unlikely, without differentiation of methods for different aspects of the work, that we are likely to do as well as we would like in preparing our students for effective and responsible service to their future clients.

just acquire new information and skills, but must replace and modify concepts, attitudes, and behaviors as well, many of which are not just matters of habit, but are significant to the individual's various group memberships. It may be important for law students, for example, to hold on to widely held notions of law and the roles of lawyers to maintain their coherence with outside groups. Resistance to seeing indeterminacy in the law, which implies that legal results rest on the judgments of individual lawyers, may be reinforced by its being unacceptable to students' families and communities that lawyers (practitioners and judges) should have extensive power to act on their own perceptions and values. Similarly, questions of bias in court decisions and in the profession may activate values regarding the role of law in social change. Students want to join their new professional group without prejudicing their memberships in other groups to which they feel strong attachments.

One approach by which a professional group may counter clients' attachments to concepts, attitudes, and behaviors viewed as inappropriate is to create a new in-group feeling, that is, by making them a sentient group. Group psychotherapy, support groups, and school spirit in secondary schools and colleges are devices which serve this purpose. Conflicting interests and viewpoints, however, present obstacles to creating sentient solidarity between clinics and their clients. In legal education, for example, the law school group is not as important for its students as is the future group of practitioners which they expect to join and which, while amorphous in many students' minds, is not clearly aligned with the law school. Students have limited contact with faculty, and that contact tends to be in impersonal, formally structured settings. Where a clinic's helping process is relatively coercive and authoritarian, as it is in typical law school courses, clients will not feel they have acquired new perceptions and values as a result of their own choice.⁵ Clients' insecurities will tend to promote attachments to familiar relationships.

Where clients are "treated"⁶ individually, in isolation from each other, as is the case in most legal and medical practice, the opportunity of creating a culture for change is significantly diminished. And where the client is itself a strong sentient group, whether a business corporation, a trade union, or an association advancing social interests, the professional may be tempted to join the client's sentient culture, aban-

5. See K. LEWIN, *RESOLVING SOCIAL CONFLICTS* (1948), especially chapter 5.

6. See Greenebaum (1987), *supra* note 1.

doning an independent clinical stance.

Groups develop conventions (rules, collusions) regarding concepts, attitudes, and behavior to facilitate survival in the group and to maintain loyalties to outside groups. In law school classes, for example, conventions regarding initiative and competition, rather than lack of insight, may require instructors to be the ones who raise certain issues for discussion, and conventions regarding the avoidance of intimacy and conflict may prompt students to discuss issues as though they are not of personal importance.⁷ For another example, professional school faculty, in exchanging comments on and descriptions of classes and interchanges with students, "vote" on the appropriate way of conducting classes and of relating to students and their work.⁸ The need to maintain solidarity among professionals is in tension with the ability to join with clients.

The development of group conventions is insidious. The process is not entirely in awareness either regarding the resulting conventions or the motivations for developing them.⁹ Unfortunately, the helping processes in many clinics are not well designed to promote (permit) reality testing regarding group images or working through issues of conflicting loyalties.

III. SHARED EMOTIONAL EXPERIENCES IN GROUPS

Groups are collections of individuals, but the behavior of groups seems inadequately explained as only the sum of the choices of the individual members. In worst cases, the idea of "mob psychology" suggests that individuals lack control of themselves and that responsibility for a group's actions are difficult to locate. In clinical work, dependency relations which emphasize strength and weakness, the vigor of attack

7. See, e.g., the student behavior in the *Clinical Experience* recounted in Greenebaum (1984), *supra* note 1.

8. Faculty, like students, have family, community, and religious affiliations, and one can observe these attachments activated in dealing with sensitive issues of school policy.

9. A context in which such processes may be observed and studied is the group relations training conferences which originated in the Tavistock Institute of Human Relations in England and are sponsored in this country by the A. K. Rice Institute and its affiliate organizations. See A. RICE, *LEARNING FOR LEADERSHIP* (1965); Rioch, *Group Relations: Rationale and Technique*, 20 INT'L J. GROUP PSYCHOTHERAPY 340 (1970); Rioch, *All We Like Sheep . . . (Isaiah 53:6): Followers and Leaders*, 34 PSYCHIATRY 258 (1971). These works are reprinted, in the case of Rioch, or excerpted, in the case of Rice, in GRR, *supra* note 3.

on enemies (and the need to perceive them as such), and the hope which is invested in dialogue may be fueled by shared emotional needs which carry unexamined behavior beyond objective justification. Whether our client-family's problems (stated in the introduction¹⁰) are conceived by their lawyer as an occasion for healing or for waging war will be influenced by the interaction of prevailing emotional currents in the firm and in the family.

Some theorists of group behavior have found helpful the idea that group members unconsciously share myths which, because they are outside of awareness, are acted upon without their reality being tested. In psychoanalytic theory unconscious thoughts and processes are not simply those thoughts and habits of which one is not aware and of which the bases are forgotten, the result of faulty memory or of conscious attention being unable to hold everything in awareness. The unconscious is also thought to be motivated, that is, unconsciously repressed because the memories or ideas are unacceptable.¹¹

The unconscious comes to exist in early development and persists into adult life. At birth infants experience mental content and communicate with their human environments in primitive ways, without cognitive structures or articulate thought. Diffuse feelings of comfort and discomfort prompt behavior which is interpreted by those caring for the infant, prompting appropriate responses. Gradually, infants develop cognitive structures, progressively defining boundaries between self, "mother," family, and others. Emotions of pleasure and anger color feelings of comfort and discomfort, and the relationships coming into cognitive awareness are colored by love, rage, and fear. Infants become aware that the attachment figures who give and protect may also on occasion deny and be absent. Because infants naturally have naive fantasies of omnipotence (their wishes customarily resulting in satisfaction without comprehension of the mediating processes), infants'

10. *Supra* at 205.

11. Many psychoanalysts, following Freud, have sought to demonstrate the existence and nature of the unconscious by demonstrating how slips of the tongue, the content of dreams, and neurotic symptoms can best be understood as manifestations of unconscious mental contents and processes. While the idea that our behavior is influenced by factors of which we are unaware is widely accepted, even by many who view themselves as rejecting psychoanalysis, professionals frequently insist that "reasonable" purposes, conditioned habits, and, occasionally, corrupt choices are sufficient explanations of their behavior in their professional roles, thereby denying that unconscious needs play a role in their motivations. It is because the unconscious is repressed that individuals do not recognize evidence of their own unconscious motivations.

rage at attachment figures is acutely worrying. These emotions are present while cognitive structures and language are still in early development.¹²

The defensive maneuvers which young minds learn to cope with their experienced anxieties are made possible by their ability to impose meaning on their experience.¹³ Individuals adopt a considerable variety of defensive strategies and styles, but in normal development most will include three: experiencing as part of oneself (introjecting) the (moral) behavior standards of those on whom the infant/child intimately depends (thus, the conscience or super ego); attributing to others (projecting) feelings which are unacceptable in oneself; and repressing from awareness content and processes which are too threatening.¹⁴

With development, conscious experience continues to include sensations and emotions as well as articulate thought, but even sensations and emotions are given words as one thinks about them and communicates them to others. Unconscious content and processes, however, persist extensively in primitive form. Coherent, articulate thought processes become a powerful tool for coping with experience and become an increasing portion of conscious experience. Such processes are satisfying and comforting for the control they represent, and individuals, some extensively, come to use "rational" thought to screen the primitive and uncomfortable from their awareness.¹⁵

If the reality of these notions is accepted, it follows, in application to group situations, that individuals' motivations include ones which are unconscious, primitive, and inarticulate. It also follows that, in addition to such explicit and conscious communication as occurs among group members, an individuals' behavior has meaning attributed to it from others' unconscious and is unconsciously responded to in accordance to that attributed meaning, that these responses will in turn be processed and responded to outside of awareness, and that these sequences of "understandings" and responses constitute unconscious,

12. See J. BOWLBY, *ATTACHMENT AND LOSS* (2d ed. 1982); S. FRAIBERG, *THE MAGIC YEARS* (1968).

13. See Greenebaum (1986), *supra* note 1.

14. See C. RYCROFT, *ANXIETY AND NEUROSIS* (1968).

15. "Control" through thought processes is a central illusion on which the obsessive-compulsive defensive style relies. See D. SHAPIRO, *NEUROTIC STYLES* (1965), chapter 2. This account has left out any attempt to coordinate specific content with stages of development (see E. ERIKSON, *CHILDHOOD AND SOCIETY* (1963)) or to survey the defense mechanisms which ego psychologists have conceived as explaining normal and neurotic adaptive behavior (see C. RYCROFT, *ANXIETY AND NEUROSIS* (1968)).

primitive communication. By their nature, these processes are difficult to conceive and describe; articulation itself distorts their nature. If such processes occur in groups anywhere, all groups of individuals, large and small, joined together over periods of time will be affected. Professionals and clients are not immune.

Wilfred Bion,¹⁶ reflecting on his experience as a psychoanalyst working with groups, perceived that while groups work consciously and rationally on acknowledged tasks, they behave at the same time unconsciously and primitively (regressively) according to collective fantasies. A group is a single collection of individuals joined for concerted activity, but relying on unconscious and primitive communication, they behave as if they lead a double life, one according to rational work principles and one according to primitive, usually unconscious, "basic assumptions."

To the extent individuals behave as a "work group," they rationally perform the task they have voluntarily joined together to pursue. As Bion states:

In any group there may be discerned trends of mental activity. Every group, however casual, meets to 'do' something; in this activity, according to the capacities of the individuals, they cooperate. This cooperation is voluntary and depends on some degree of sophisticated skill in the individual. . . . Since this activity is geared to a task, it is related to reality, its methods are rational, and, therefore, in however embryonic a form, scientific. . . . This facet of mental activity in a group I have called the Work Group. The term embraces only mental activity of a particular kind, not the people who indulge in it.¹⁷

In contrast, in behaving according to primitive basic assumptions, the group behaves *as if* it had met to satisfy primitive needs. Bion explained this by saying that:

Work-group activity is obstructed, diverted, and on occasion assisted, by certain other mental activities that have in common the attribute of powerful emotional drive. These activities, at first sight chaotic, are given a certain cohesion if it is assumed that they spring from basic assumptions common to all the group. . . . Parti-

16. W.R. BION, *EXPERIENCES IN GROUPS* (1961), excerpted in GRR, *supra* note 3.

17. *Id.* at 143; GRR, *supra* note 3, at 12. In referring to "work groups" or to "basic assumption groups," we will be referring to Bion's idiosyncratic usage of "group" indicating aspects of the group's mental activities. Otherwise "group" is used in its ordinary sense referring to a number of individuals thought of collectively for some purpose.

pation in basic-assumption activity requires no training, experience, or mental development. It is instantaneous, inevitable, and instinctive. . . .¹⁸

Bion identified three operative basic assumptions (dependency, fight-flight, and pairing) to be explained below. What they have in common is described by Margaret Rioch:

Basic assumption life is not oriented outward toward reality, but inward toward fantasy, which is then impulsively and uncritically acted out. There is little pausing to consider or to test consequences, little patience with an inquiring attitude, and great insistence upon feeling. Basic assumption members often are confused, have poor memories, are disoriented about time. They do not really learn and adapt through experience but actually resist change, although they may shift very readily from one basic assumption to another. . . . [Basic assumptions] are not formulated by any one member in the group and cannot be attributed to any one member. No one wants to own them. There is a kind of conspiracy of anonymity, which is facilitated by the fact that identities and names get mixed up; statements are attributed falsely or vaguely. The basic assumptions seem to be the disowned part of the individuals, and individuals seem to fear the basic assumptions as if they might take over and leave nothing of the mature, rational persons in the group. . . . There is much vicarious living in a basic assumption group, particularly through roles, so that often a person becomes fixed in a role which the group needs for its own purposes, and then cannot get out of it. Basic assumption groups also constantly attempt to seduce their leaders away from their work function.¹⁹

Every group behaves simultaneously as a work-group and as a basic assumption group, but at any time one or the other will predominate in varying degrees. And, in Bion's view, to the extent groups behave according to basic assumptions, a single basic assumption will predominate at any moment, though the basic assumption may change from time to time. Bion apparently believed that his conceptions applied to groups of any size and whether the group was at a moment in each others presence or scattered.

18. *Id.* at 146; GRR, *supra* note 3, at 14, 18.

19. Rioch, *The Work of Wilfred Bion on Groups*, 33 PSYCHIATRY 56, 61 (1970), reprinted in GRR, *supra* note 3, at 28. Explanations in terms of work and basic assumption groups refer to aspects of mental activity. There is only one group. Groups are collections of individuals; it is only that they behave as though they have a collective mind and spirit.

That there are only three basic assumptions and that the entirety of groups will share a single basic assumption at a given time, as Bion asserts, are not theses which need be accepted uncritically. The latter proposition certainly has difficulty explaining the experience of simultaneous membership in multiple groups. Nevertheless, the basic assumptions characterized in the following paragraphs can be taken as examples of fantasies which experienced and qualified observers have perceived to be frequently active and shared by groups' members, usually outside of members' awareness.

A basic assumption, naturally evoked where clients seek the help of professionals, is *dependency*.

The essential aim of the basic assumption dependency group is to attain security through and have its members protected by one individual. It assumes that this is why the group has met. The members act as if they know nothing, as if they are inadequate and immature creatures. Their behavior implies that the leader, by contrast, is omnipotent and omniscient. A group of sick, miserable psychiatric patients, for example, and a powerful, wise, loving, giving therapist easily fit this picture. The power, the wisdom, and lovingness of the therapist are, of course, not tested. The patients are often united in the belief that if they sit long enough, the wise leader will come forth with the magic cure. They do not even need to give him adequate information about their difficulties for he knows everything and plans everything for the good of the members. In this emotional state the group insists that all explanations be extremely simple; no one can understand any complexity; no one can do anything that is difficult; but the leader can solve all difficulties, if he only will. He is idealized and made into a kind of god who will take care of his children. The leader is often tempted to fall into this role and to go along with the basic assumption of the group.²⁰

For a context in professional education which may evoke the dependency basic assumption, consider a law school class which has the task of seeking to understand a (not too clear) court opinion with the guidance of a law professor.²¹ In such a situation, manipulation of a student by a teacher in a "socratic" dialogue may be experienced as distressing by the student, and sympathetically so experienced by student colleagues. Nevertheless, students may obtain satisfaction and comfort in the experience as the technique plays well into the assump-

20. *Id.* at 60; GRR, *supra* note 3, at 18.

21. Such a situation is described in Greenebaum (1984), *supra* note 1.

tions of ignorance and weakness of the group members and omniscience and omnipotence of the leader. In contrast, if faculty take a less dominant approach, displaying their own bafflement at the dilemmas involved in developing satisfactory rules of law, if they offer their experience in thinking about the problem, but insist that the class help each other and help the instructor (by sharing their understanding, experience, and values) and be satisfied with there being no tidy solution to the problem on which they may rely, then the need for a dependency leader will not be satisfied. The group may become angry and withdraw in search of other leaders. (Instructors in other courses may be more satisfactory). However the class has been conducted, when class members are later reviewing for the examination, they will search their memories and class notes for the true answers which are assumed to have been, which must have been, there.

Pressures are great on professionals to fulfill the dependency leader role, and seduction into the role is difficult to resist, especially where professionals share with their clients the need to operate on the dependency basic assumption. In my clinical courses, I frequently experience persistence in students both to obtain my approval for their dependency views of relations between lawyers and clients and to induce me to provide them with rules of safe conduct in law practice which will secure at the same time their psychological and moral integrity. At these times, the group members seem unwilling or unable to make use of their knowledge and capabilities or to face uncertainties as their own responsibilities.

A second basic assumption which may be especially congenial to legal work is fight-flight.

Bion joins [fight-flight] together as two sides of the same coin. The assumption is that the group has met to preserve itself and that this can be done only by fighting someone or something or by running away from someone or something. Action is essential whether for fight or for flight. The individual is of secondary importance to the preservation of the group. Whereas in the basic assumption dependency group the sick person may be valued for his ability to engage the leader as a person who will take care of others, in the fight-flight group there is no tolerance for sickness. Casualties are to be expected.²²

The fight-flight basic assumption may contribute to litigation attorneys' slowness to adopt more collaborative alternative dispute resolution

22. Rioch, *supra* note 19, at 60; GRR, *supra* note 3, at 26.

methods.

Rage, panic, hostility, fear, and paranoia are prevalent emotions in fight-flight groups. In law schools, for example, faculty at times seem to be leading an angry attack on ignorance and incompetence in the class and in the legal profession and seem willing to sacrifice the weak and unable along the way. Student paranoia is evidenced in expression of beliefs that class schedules and other institutional arrangements are made solely for the benefit and convenience of the faculty, that there is a mass of secrets held by the faculty regarding how the school is really run, that faculty enjoy students' distress, and so forth.

Fight-flight basic assumption is difficult, however, to sustain in the student group. Course instructors are not themselves suitable fight-flight leaders because students need them too strongly to control aggression and hostility within the class group (especially in large classes), a need shared by the instructors. And course instructors are too closely associated with the most obvious objects of hostility, the faculty and administration.

Methods of attack available to law students are rather limited and controlled for a variety of reasons ranging from their temperaments and personalities to situational factors, such as concern regarding the law school's role in obtaining the approval of bar association character and fitness committees, which will be required in order to be licensed to practice law.²³ I am reminded of an episode in a law school class in Civil Procedure in which I was leading a discussion of a court opinion and a hypothetical "Problem" contained in the course materials.²⁴ On this occasion, when I asked the class for their responses to the hypothetical "Problem," a woman student rose and addressed me by name. Addressing me by name was unusual, and standing to speak was unique. The student expressed with emphasis and feeling the opinion that the court opinion and "Problem" were expressions of male chauvinism and that I ought not to have placed them in the materials. This was in the early, militant years of women's liberation at a time when

23. In the years of student activism and unrest during the Vietnam War, law students at many schools, though stirred by public events, stayed largely on the fringes of activities such as building occupations, although some undergraduate student leaders subsequently attended law school. Within a law school, methods of attack seem limited to expressing opinions and feelings on petitions and posters and in meetings and to insisting on student membership on faculty committees to share the running of the school.

24. The classroom situation in which these events arise is described in Greenebaum (1984), *supra* note 1.

the number of female law students was evidently increasing. A significant portion of the male students would have supported the sentiments expressed as well. With an elevated level of tension and excitement in the classroom, I asked the student how she felt the phenomenon of bias might affect the legal services which the hypothetical client in the problem might receive from her male lawyer. The student said that if I had intended that to be a topic for discussion, then it was all right. She sat down, the tension subsided, and the class continued as before. Thus, a bid for fight leadership failed, and a dependency leader was maintained in position.

Methods of flight are more available. Students may invest themselves extensively in extra-curricular activities and employments or participate in a counter-culture of study methods, including not attending classes and relying on unapproved outlines rather than the assigned materials. From time to time a student will dramatically embody this style and be, for a time, something of a cult leader.

The third basic assumption identified by Bion is that of pairing.

Here the assumption is that the group has met for purposes of reproduction, to bring forth the Messiah, the Savior. Two people get together on behalf of the group to carry out the task of pairing and creation. The sex of the two people is immaterial. They are by no means necessarily a man and a woman. But whoever they are, the basic assumption is that when two people get together it is for sexual purposes. When this basic assumption is operative, the other group members are not bored. They listen eagerly and attentively to what is being said. An atmosphere of hopefulness pervades the group. No actual leader is or needs to be present, but the group, through the pair, is living in the hope of the creation of a new leader, or a new thought, or something which will bring about a new life, will solve the old problems and bring Utopia or heaven, or something of the sort. . . . Although the group thus focuses on the future, Bion calls attention to the present, namely the feeling of hope itself, which he thinks is evidence that the pairing group is in existence even when other evidence is not clear. The group enjoys its optimism, justifying it by an appeal to an outcome which is morally unexceptionable.²⁵ . . . The unborn leader of this group, ac-

25. BION, *supra* note 16, at 151; GRR, *supra* note 3, at 17, (footnote added) says of these optimistic feelings:

This feeling is characteristic of the pairing group and must be taken by itself as evidence the pairing group is in existence even when other evidence appears to be lacking. It is itself both a precursor of sexuality and a part of it. The optimistic ideas that are verbally expressed are rationalizations in-

cording to the basic assumption, will save it from feelings of hatred, destructiveness, and despair—both its own feelings and those of others. If a person or an idea should be produced by such a group hope will again be weakened, for there will be nothing to hope for. The destructiveness and hatred have not really been reduced and will again be felt.²⁶

Education, with its inherent investment in the future, may readily evoke the pairing basic assumption. A teacher inserts the seeds of ideas in a student's fertile mind; the idea matures within the student; and in the end the student, sometimes with the pain of considerable labor, delivers a product of learning that has elements of both teacher and student. The sexual metaphor implicit in educational intercourse contributes to its excitement.²⁷ In general, those who bring their problems to clinics may be ready to hope.

The multiplicity of basic assumption life among professionals who join to do clinical work may be illustrated by reference to law school faculty. The propensity of some faculty members is to see the school as a caring institution, caring both for the students and the public who will be the students' future clients. To the extent this is a comfortable view, faculty act as priests in a reliable tradition, assisting students to become anointed for their particular priesthoods. Fight-flight leaders among the faculty sharpen the we/they feeling between groups, between faculty and students, between legal educators and practitioners, between the law school and the university, and so forth. Casualties are to be ex-

tended to effect a displacement in time and a compromise with feelings of guilt. The enjoyment of the feeling is justified by appeal to an outcome supposedly morally unexceptionable.

26. Rioch, *supra* note 19, at 61; GRR, *supra* note 3, at 27-28.

27. Clear evidence of pairing is seldom experienced in law school in my experience. On occasion in my clinical course, Roles and Relations in Legal Practice, when class members or a visiting attorney have presented a role enactment of a client interview which strikes the class as moving in the right direction and as something which they might learn to emulate, the group may become enthused with hope. Class members will express warm appreciation and admiration, but seldom critical evaluation of the factors which produced the event (which might in fact help them make similar efforts) or, especially, what aspects of the interview may have been questionable.

Some students in Roles and Relations, in attempting to explain the behavior of the class (after reading about Bion), will seek to classify the group as operating on the pairing basic assumption, relying on the existence of dialogue as evidence. The same students sometimes despair of the content of class discussion. I usually interpret this assertion of pairing as screening the dependency basic assumption (as I do, also, when the class is presented as predominantly a work group, learning marvelous things as a result of my subtle direction and manipulation).

pected in this hard and hostile world, certainly student casualties, but occasional faculty ones as well (especially from among the non-tenured). To the extent the faculty feel their membership is held in the legal education community which transcends the immediate law school, there is potential that the law school itself may be a tolerable casualty.²⁸ The hopeful experience of pairing is most likely advanced around the coming of a new dean who may be experienced as bringing future hope as a result, it is here supposed, of pairing with the faculty, on the inside, and with the university, the alumni, and other constituencies on the outside. A single basic assumption only occasionally dominates a faculty, but each vies for dominance, attracting shifting faculty subgroups.

While too great a domination by basic assumptions may lead a group to lose touch with reality, it is important to see as well that basic assumptions can support work. It seems that work is most productively accomplished where unconscious motivations and the energy they stimulate are called into the service of a work task. Each basic assumption is appropriate to aspects of a clinic's work. In a law school, it is helpful for students to trustingly put themselves within the course programs which faculty have structured for them and listen to what faculty say. Ignorance and incompetence are worth attacking. Hope can support a classroom process intended to produce learning through a collaborative dialogue in which few reliable truths are ever found. Effective leadership will evoke the most supportive basic assumption for the aspect of the work presently at hand. When basic assumptions support work, they avoid frustration of emotional needs, which is good so long as the group does not get stuck in a single assumption and so long as critical abilities and work are not abandoned to follow fantasy.

Individuals will have varying degrees of readiness or susceptibility ("valence," in Bion's vocabulary) to engage in basic assumption life and, within that general propensity, to act on one or another of the basic assumptions. It seems likely that susceptibility for basic assumptions is determined by cultural context as well as by individual characteristics. In our society, with long dependent childhoods within nuclear families and with pervasive educational practices in which students over many years obtain answers from teachers who move them safely from one grade

28. Avoiding this possibility may be one factor which ties the goals of the law school closely to those of the national legal education community in faculty members' minds. Nevertheless, constituencies outside a law school may perceive faculty as being too little attached to the future of the law school and the needs of the local jurisdiction, and law schools might do well to face explicitly the aspect of truth in the perception.

to the next, it is not surprising that students, on entering a professional school, sitting in classrooms in which a teacher on a podium faces many rows of desks, should fall into a dependency basic assumption.²⁹

In joining a profession or seeking help from one, prospective professional students and clients are influenced by their basic assumption propensities and by the images of the various professions they carry in their minds. Administering the law, for example, has a priestly function for some, invoking higher authority to soothe troubled waters and resolve questions of right and wrong. A remaining memory of my law student experience is feeling that we students were so many would-be priests going through initiation rites. But law, with its "Perry Mason" images of championing clients' rights in litigation, must have appeal as well for those with fight-flight propensities.

For purposes of exposition, we have treated basic assumption experience as though it were a matter of an individual belonging to a single group: a student as a member of a class, a domestic relations client as a member of a family, an officer as a member of a corporation, and so forth. But with multiple groups within a clinic and each individual belonging to multiple groups, each with its own purposes and culture, the basic assumption life of different groups to which an individual belongs may conflict. The woman student's bid for fight-flight leadership, described above, can illustrate this. Had she expressed the same sentiments to a meeting of the Women's Caucus (an organized group of women in the law school, including some staff as well as students), she might have received a very different response than she did in the class group. I frequently experience basic assumption life in groups, especially in large groups such as typical law school classes, as

29. Contrast how the male Sioux Indian was raised in his culture to be a prairie hunter (as described by ERIKSON, *supra* note 15, at 133-156). Erikson's focus of study was cultural and individual identity and the relationship between them. Nevertheless, we can infer from the evidence presented that the Sioux ideal. "The embodiment of the real Indian—a warring and hunting man, endowed with fortitude, cunning, and cruelty . . ." (*id.* at 115)—was a man with a strong valence for fight-flight basic assumption life. In Sioux child rearing, pervasive, communal generosity and indulgence of the very young, together with training in approved behavior being accomplished by pervasive example and by shaming, would tend to make dependency and authority diffuse and less significant issues. On the other hand, rage was provoked and admired, for example, when an infant was punished for biting the breast. "Good future hunters, especially, could be recognized by the strength of their infantile fury." (*id.* at 137). Aggression, competition, and rage were developed and encouraged, but diverted, through the structure of customary relationships, towards the enemy and the prey (and against women who strayed beyond accepted boundaries).

incoherent and unsettled, only occasionally becoming dominated by a single basic assumption. This may be due to multiple groups and sub-groups vying for individuals' loyalty.

The question is not whether basic assumptions are good or bad; they will always be present to some degree. Emotional needs will seek expression, and the question is how to live and work in the circumstances. Open reflection on "work" experience in any clinical group will begin to reveal ways in which basic assumptions carry us away from reality. This is not to be wished away, and the emotional energy can be harnessed. But reflection can help us keep in touch with reality.

IV. ROLE BEHAVIOR

"Role" does service in the language for a variety of relationships of an individual or a group to another individual or group. For present purposes we can distinguish five overlapping role concepts: position, job description, work group role, expectations role, and emotional needs role.

A *position*, for example, "Dean," "Professor," or "Counsel," may be assumed to have some commonality of functions in various contexts, but there will be differences as well. Thus, at a particular law school the dean has particular functions and responsibilities. This *job description* sense of role refers to the functions and duties which are assigned to a position at a particular time and place and which may constitute a part of the contract of employment for the position's occupant.

A position and its job description may or may not conform to the needs of the "work group" (as that concept was defined in the previous section). As stated by Rioch:

The structure of the group is there to further the attainment of the task. For example, if a group needed to collect dues it would appoint a treasurer. But it would not appoint a finance committee unless there were real matters of policy to be taken care of by such a committee. The number of vice presidents would be limited by the functions which vice presidents had to perform. . . . The leader of the work group is not the only one who has skills, and he leads only so long as his leadership serves the task of the group. The members of the work group cooperate as separate and discrete individuals.³⁰

30. Rioch, *supra* note 19, at 58; GRR, *supra* note 3, at 23.

Thus, an individual working as an occupant of a position with a job description takes up work group roles in accordance with what the individual has to contribute, with the needs of the group as they relate to the accomplishment of the group's task, and with the individual's understanding of his/her responsibility and authority in the circumstances. As the occasion requires, a dean or chairman may be a director, a moderator, or a collaborator; a professor will be a classroom teacher, but will also, where appropriate, take up the role of learner, will frequently direct, but on occasion will follow the lead of students.

Even when position, job description, and work-group role coincide, there may still be a discrepancy between them and the expectations of others, for example, the expectations which clients have of lawyers or students of teachers. Individuals occupying positions tend to share the role expectations that are pervasive in the culture. That is, even after going through law schools, lawyers may retain notions of lawyers' roles which were pervasive in the societal groups to which they and their clients belong even though acting on some of those expectations may inhibit work.

Finally, roles may be assigned and taken up to satisfy emotional needs rather than, in reality, to accomplish work. Such roles may be consciously thought of in work terms, when, for example, a dean or a managing partner might take up the role of director, to satisfy dependency needs, when a role as moderator might be more suitable for the task in hand. Other emotional-needs roles may refer only to how individuals behave and relate to each other as group members, for example, as "fool" or "scapegoat." In a law faculty, there is the one who is the theoretician or the practitioner, the caring one or the aloof disciplinarian, the good or bad teacher, the clown/weak-link (not taken seriously) or the leading light, the ambitious one or the one who gets along, and so forth. A lawyer may carry a role in a firm as "fearless litigator," "clever analyst," or "wise counselor," or may be coping with negative role images such as "weak-link" or "softie." The emotional need being satisfied is frequently a function of the basic assumption prevailing in the group. Usually, role fixing results when an element of truth is built upon in fantasy for emotional satisfaction and for avoiding realities.

Emotional-needs roles are frequently the product of "projection," an unconscious mental process whereby individuals or groups deny existence in themselves of unacceptable qualities and attribute them to others. While projections are frequently of "bad" qualities, the opposite is possible as well. For example, individuals or a group who prefer

to see themselves as weak or incapable may see strength and abilities in others to an unwarranted degree. Roles which result from projections are frequently in reciprocal pairs, for example, the one who is "strong" and the one who is "weak" playing their roles against each other. Sometimes "good" is found in the middle between roles at polar extremes, for example, between romantic and materialist or between militant and passive.

Projective roles are frequently collusions between individuals and groups, the individuals taking up roles making themselves available for the group's projections. Thus, when scapegoats become the objects of hostile emotions which might otherwise be unsafely aimed at groups' leaders, while the event is a victimization, individuals taking up the role may make themselves eligible for it and receive emotional satisfaction from occupying it, as well as suffer its costs. And being caught in positive roles, for example, always having to be "strong" or "good," can also be a burden.

These points can be illustrated with the role of the "confused law student." Many law students have been very successful students for many years and have not experienced difficult intellectual obstacles in their educations. Students with this background may be reluctant to view themselves as confused or as having difficulties in learning. They may, when challenged in law school, hold strongly to their interpretation of the course's content and, in this confident posture, receive comfort in viewing other students as being the ones who are confused. Those who take on the role of confused student are intensely aware of their confusions and receive comfort in the role of one who is helpless and must be rescued.³¹ Teachers may find it comfortable to collude with this projection, as it presents them with a mass of satisfied customers and only a misfit or two. There are serious costs to those who participate in this collusion: those denying their confusion may fail to confront realistically their learning difficulties, and the "confused" students may not make use of their abilities as constructively as they might, nor recognize what they have in fact learned. In severe instances, "confused" students may give up ambition to achieve or even drop out of school. Yet, in reviewing the work of individual students, I frequently find the differences in learning between "confused" and "confident" students not to be very great, and on occasion some

31. This particular projection role may be reinforced (overdetermined) if the group is operating on the basic assumption dependency, as a "sick" class member is put forward to be saved by the instructor. See *supra*, notes 20 & 22 and accompanying text.

"confused" students turn out to have learned more than some who feel confident. Instructors who collude in the described projection lose touch with what their classes are really learning and may be faced with later morale crises when neglected confusions can no longer be avoided, for example, in grading exams.

A somewhat different emotional-needs role phenomenon occurs where the realistic and projected characteristics of a group are located in one or a few of its members. This dynamic is particularly salient where the group is one which has been previously excluded. For example, if one or a few women students can be seen as being "the feminists," then the complex of emotions regarding the phenomenon of women coming into the profession in large numbers can be focused on those who have been placed in and have taken up that role, and relations among the men and the balance of the women can be experienced as being uncomplicated by negative emotions.

As may be seen in reviewing the above examples, emotional-needs roles may exist within the dynamic of a peer group (for example, among students) or may exist in the eyes of an outsider (for example, faculty identifying a student as being the troublemaker); or insiders and outsiders may collude together.

There are often dynamic relations between emotional-needs roles and clinics' organizational structures. Suppose students come into a law school library with frustrations and hostilities which they have been unable to ventilate in classes. Library staff may become the objects of these emotions which students contained in the presence of teaching faculty. Library staff's caring feelings may well be engaged by this experience of students' needs, but these feelings cannot be fully expressed in library work where staff must be firm, if helpful, administrators. A librarian, in these circumstances, might become eligible for the role of "one who cares" by expressions of sentiments and a variety of caring and helpful activities directed not only towards students, but towards faculty and others as well. Faculty may then project their caring feelings into the occupant of this role, denying caring feelings in themselves, leaving the role occupant alone to be filled with students' distress. In comparison, a dean for student affairs, who also is confronted with student distress, is in a better position. The job description includes counseling and caring. Further, the dean is in a position to take actions in response to needs, but these actions are safer because they are within the structure of academic regulations. And where judgments are difficult, the dean may share them with a faculty committee which serves the function of putting the experience of distress and caring

back into the faculty (or at least into a part of it).

Students' experiences of professional education include their first steps in taking up roles as professionals in society in all five senses which have been specified. In all professions there are diverse areas of practice, in law, for example, commercial, corporate, labor relations, domestic relations, personal injury, litigation, family estate planning, general private and governmental agency practices, to name a few. Different portions of a profession emphasize different, indeed contrasting, interests and abilities. During law school students begin matching themselves to the various opportunities which might be available to them, and their job hunting efforts during their second and third years express and test these developing orientations. To the extent that images and job descriptions of various professional areas match the realities of the needs of serving clients in those practices, the process may be viewed as part of taking up work group roles in the legal profession.³²

Even though role differentiation is an appropriate work group task, group cultures, projections, and unconscious basic assumptions affect the process. Society may need emotionally to have obsessive and aggressive lawyers, and within the profession different practice areas may carry emotional-needs roles, for example, those who are high minded, meticulous and clean, those who care, those who are sophisticated and competent, those who chase ambulances (and indulge in shady practices), those who cannot tolerate practice and teach, and so forth. Processes of role development may be a major explanation of how a diverse group of complex individuals can become stereotyped as professional groups. When I read the following passage from Bazelon, "Clients Against Lawyers," to my first-year civil procedure classes, they always responded with loud, but not entirely comfortable laughter.

A very smart lawyer once advised me about going to law school. "Don't," he said. "You'll get terribly bored with it. It won't hold you, intellectually." I tried to explain how ambitious I was trying to be; that I was already fairly well bored with being an unplaced, general-purpose intellectual; and I added, somewhat petulantly, that everybody had always said I would make a good lawyer.

"Okay," he said, "but go home and ask yourself one question,

32. This process of continuing differentiation is consistent with a theory of careers developed by J. HOLLAND, *A THEORY OF CAREERS* (1973). Unfortunately, examination of these role differentiations is not frequently an explicit learning goal.

very seriously—are you a big enough son of a bitch? Because that's really what it takes—not to practice law, but to like it. The lawyer is a kind of a witch-doctor, a shaman, to the American businessman. The client comes to you feeling guilty about what he's done or is getting ready to do, and one of the things he is paying you for is to carry his guilt for him. He's going to leave that in your office with the rest of his problem, with the technical part of it. The only satisfied client is the one who has convinced himself—with your help—that you are the thief, the conniver, the guilty party. You have to be a very aggressive son of a bitch to put up with that sort of thing. And unlike a psychoanalyst, you know, you're stuck with the projection—you don't get a chance to straighten him out later on.

He was right, too, as I later found out. Anyway, I went home and thought about it, realizing with some embarrassment why it was that everybody had always said I would make a good lawyer, and I ended up convincing myself that the law was the only safe place for somebody with my special talents.³³

Projections have positive value in appropriate circumstances and within limits. In infancy, projection and introjection are almost a corollary of the unclear sense of boundaries characteristic of early cognitive development. In adolescence, projection is a tool used by youths in their search for identity. As they project aspects of themselves onto role models, they experiment to see if that model is one they wish and are able to emulate.³⁴ In adult life, there may still be transitions in which projection may be used for similar purposes, and projection is a part of the unconscious defense systems whereby individuals maintain their psychic stability in the face of anxiety. Nevertheless, projections are false images of reality.

The personal dimensions of clients' legal or other professional problems frequently involve role issues. Within our hypothetical client-family, whose situation we have referred to throughout this article, roles which husband and wife have assumed will affect how they make decisions, regardless of the realities of their needs and competencies. In their groups, clients may be fixed in emotional-needs roles from which they need release, or they may be in transitions in which they need to explore new role possibilities. Acting out experiments with new roles has educational value, and clinicians are inevitably involved in these

33. Bazelon, *Clients Against Lawyers*, 253 HARPER'S MAGAZINE 104 (1967) (footnote omitted).

34. See ERIKSON, *supra* note 15, at 261-62.

processes. But it is very important that clinicians avoid colluding in role fixings, that they understand and help their clients to understand the processes involved, and that clients should be helped to escape from roles so that the role fixtures do not become permanent victimizations. Unfortunately, professionals in most disciplines do not have experience or training aimed directly to prepare them to respond to these issues.³⁵

V. INTERGROUP RELATIONS

Implicit in much of what we have discussed is that lawyer-client dynamics are complicated by intergroup relations. Problems of loyalty, trust, and membership are potentially acute when individual professionals represent their firms in working on their own with clients, which is frequently the case. They must conduct themselves in a way which will maintain their status in the firm, but their colleagues have limited evidence of how they conduct themselves with clients. This circumstance reinforces the tendency of professional work to fall into stylized patterns.

When the client is a group, additional complications arise from uncertainty regarding relations within the client-group. There will frequently be conflicts of interest within the group, and the question sometimes arises as to whether the apparent client constitutes a group at all. The question is always present: are a client-group's agents representing group positions (that is, are they acting within their authority), or are they seeking to use the professional for their own purposes within the group? In working with multiple clients from the same group, as with the family members in our hypothetical case, or in working with a group legally established as a corporate entity, the first premise is to identify how common interests are to be determined and how conflicts of interests resolved. Going along with the "strongest" group member, or with the one with whom the lawyer feels most comfortable, may be easiest, but may not be the most responsible course of action.

Clients, from their viewpoint, have difficulties with clinicians as representatives of their firms and professions. Professionals will be exploiting their work with their clients to enhance their status within their

35. Training to help law faculty perceive and respond to the psycho-social dynamics of teaching situations could be made available. The present author has pursued such training in a variety of ways. The institutional and intergroup events of group relations training conferences provide especially good learning opportunities regarding these matters. See *supra* note 9.

firms. At the same time, clients need and want to rely on a professional's guidance, but have limited measures of its reliability and do not know what to make of their diverse experiences with different members of the profession. Are the professionals in fact working inconsistently with different views of their task and authority, or are clients with their limited experience merely unable to see how different aspects of the work fit into a coherent whole? Professionals, even in the same clinic, do have divergent views of their tasks, but professional groups, maintaining their social cohesion and facing outsiders as an apparently united group, avoid dealing openly with their differences about the goals and values implicit in their work. Clients have reason to appraise professionals' representation of their professions critically.

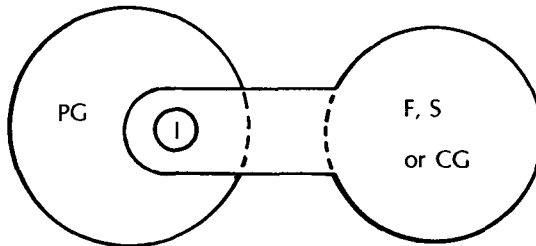


FIGURE 1

Joining in new relationships can create problems for membership in the multiple groups to which one already belongs. When individuals ("I" in Figure 1) become professionals or become clients, they may be concerned that in the process of joining with a professional group (PG), the boundary of their family, social, or community groups (F, S or CG) may close behind them, excluding them. Discomforts in their "at home" social relationships seem especially acute for some professional students from families or communities which have not been strongly represented in the profession.

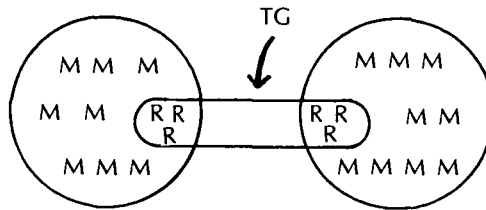


FIGURE 2

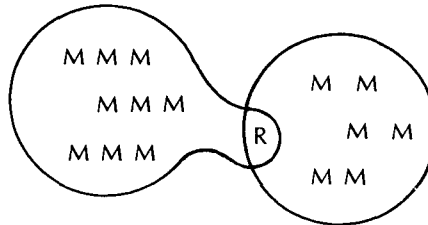


FIGURE 3

Two of many possible models of intergroup transactions are where representatives of multiple groups meet to form a third, transactional group (TG in Figure 2) and where a representative of one group works with the entirety of another (Figure 3). These are examples of many variations on the theme of the participation of one group as it intersects with another. At one extreme, each group is represented by a single individual, and at the other, the entire memberships of multiple groups meet together. All the possible arrangements present advantages and difficulties in issues of authority, trust, loyalty, and membership.

A member of a firm and an agent of a group client working together are an example of a transactional group. As group representatives, they may fear, or may not be sufficiently alert for the possibility, that their status in their group or the policy of the group may alter in their absence, that their positions as representatives may be undercut. The group's mirror concerns are that representatives will sell out and betray the group. Finally, groups may fear that their representatives may form a new group which may in its independent life take over the

power of both represented groups, taking actions which neither group feels it is in a position to repudiate. If the lawyer and a client representative who comes initially to the firm agree between them on a course of action, neither the client-group nor the firm may feel in a position to question the result.

Distrust affects all phases of transactional groups, from the represented groups' decisions to participate in a transactional group, to the selection of representatives, to the caution which may motivate representatives and groups, and to the political maneuvering which inevitably ensues. Concerns regarding trust and power, with risk of both work and emotional costs, are aroused in formal and informal "third group" situations whatever boundary the association crosses, in a professional school, for example, whether between faculty and students or between dean and faculty. This may be one factor determining the infrequency of "fraternizing" (and the relatively stylized patterns in which it does occur) between professionals and clients in many clinical settings.

A typical law school class is an example of a representative of one group working with the entire membership of another (see Figure 3 above). There, the faculty representative selects a student to represent the class, or students select themselves to volunteer to be selected by the faculty representative to represent the group. Some students may act as though the situation is not really that of a group, feeling that each student is transacting individual business with the instructor. An example stated by Rioch is analogous:

For example, if a dozen strangers are lying by chance in the sun on the same beach they do not constitute a group according to his [Bion's] definition. But if someone in the water cries for help and the twelve individuals respond by trying to save the swimmer from drowning in some kind of concerted action, however rudimentary the concertedness may be, they have become a group in that they now have a function. This may last for only a few minutes or it may turn into an organization of life savers which goes on for years.³⁶

In classes, the question is whether students are individually basking in the sun of the faculty's instruction or whether they are engaged in a collaborative enterprise.

On the occasion, described earlier, in which a woman class member rose to complain of male bias in the teaching materials, her short-

36. Rioch, *supra* note 19, at 57; GRR, *supra* note 3, at 22.

lived bid for fight-flight leadership was made more difficult by her uncertain status as a group representative. I was not privy to the processes by which the student came to feel competent to present the viewpoint: whether she felt she was representing only herself or whether through informal processes she had come to feel that the women's group would want this sentiment expressed and would be willing to have her represent them, or whether she selected herself or was elected by the group. Even had the women met prior to the class and explicitly selected one of their number to represent their viewpoint, the representative must have been aware of the potential that her representation might be undercut by inconsistent participation by other members or that her authority might be withdrawn simply by her not being followed. She may well have felt uncertain regarding these questions and felt unable to continue her representation in absence of indications that her representation had been ratified.

The representative's position was further complicated by her simultaneous memberships in two groups: the women's group and the student group. She was representing the women's group not only to the instructor, but also to the student group, which she may also, at the same time, have been representing to the instructor. Because this event was fairly early in the law school careers of these students, the cohesion and relative position of these groups may have yet remained very uncertain. Whether women law students would coalesce into a feminist contingent, whether the feminist cause would be supported by the class as a whole, or whether the men would be experienced as an opposition, and how women students would respond if the student group were internally divided were unanswered questions for many participants in the event. Clearly, negotiating group representation is not easy, and it is very difficult to stand firmly on such an uncertain field.

Reviewing the influences of group memberships, of shared emotional experiences in groups, of role behavior, and of issues of inter-group relations is surely sufficient to explain why effective and responsible work in groups is a challenge to anyone's maturity. These matters also help explain why groups are seldom fully rationally organized to accomplish their work.³⁷ Group members can cope with these issues better by open reflection and collaboration than can individuals heroically, but blindly, going it alone.

37. See MILLER, *supra* note 3.